

<sup>1</sup> Although the Complainant was granted permission to amend its complaint, no amendment has been filed.

UNABLE TO FORWARD.” On December 14, 2016, Complainant reported that it had been in contact with the Respondent and that he indicated that the address to which the notice of complaint was mailed was correct and current. Thus, the Complainant suggested that the Commission resend the notice of complaint.

Because the record is not clear as to whether the Respondent has received the notice of complaint or the motion for default,<sup>2</sup> the Commission will resend the notice and set a new deadline for Respondent to file an answer. In the alternative, the Respondent may file a written request that the complaint be referred to a neutral third-party mediator for voluntary mediation of the complaint. Upon receipt of a request for mediation, the 30-day time period shall be tolled while the Commission ascertains whether or not the Complainant is also willing to submit to voluntary mediation. If Complainant agrees to mediation, the time period within which an answer is due shall be suspended pending the resolution of the mediation process. Additional information regarding the mediation process is enclosed. If Complainant declines the opportunity to seek mediation, Respondent will be notified in writing that the tolling has ceased and will also be notified of the date by which an answer or notice of satisfaction must be filed. That period will usually be the remainder of the original 30-day period.

This is a contested case<sup>3</sup> pursuant to Section 386.390, RSMo 2000. This case will proceed under the formal complaint process,<sup>4</sup> and not as a small complaint.<sup>5</sup> As required by Section 536.067(2)(f), RSMo 2000, the Commission informs the parties that

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<sup>2</sup> Complainant indicates in its Certificate of Service that the motion was served on “all counsel of record”; however, no counsel has made an entry of appearance in this matter for the Respondent.

<sup>3</sup> A “[c]ontested case” means a proceeding before an agency in which legal rights, duties or privileges of specific parties are required by law to be determined after hearing.” Section 536.010.4, RSMo Supp. 2012.

<sup>4</sup> 4 CSR 240-2.070(4).

<sup>5</sup> 4 CSR 240-2.070(15).

the Commission's provisions governing procedures before the Commission, including provisions relating to discovery, are found at Commission Rule 4 CSR 240-2.090.

**THE COMMISSION ORDERS THAT:**

1. The Commission's Data Center shall send, **by certified mail and by regular U.S. mail**, a copy of this notice and order, a copy of the Motion for Judgement by Default, and a copy of the complaint to:

Larry Coy  
247 Quarry Rd.  
Silex, MO 63377

2. Larry Coy shall file an answer to this complaint or request for mediation no later than January 15, 2017, and serve a copy upon the Complainant. All pleadings (the answer or request for mediation) shall be mailed to:

Secretary of the Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102-0360

or filed using the Commission's electronic filing and information service (EFIS).

3. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Nancy Dippell, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 15<sup>th</sup> day of December, 2016.